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09/676,545	09/29/2000	Neil Katz	6169-140	2722

7590

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 01/30/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/676,545

**Applicant(s)**

KATZ ET AL.

**Examiner**

KIEU-OANH T BUI

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 17, 18 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17, 18 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-9, 17-18, and 21-27 in Paper No. 4 is acknowledged.

***Claim Rejections - 35 USC 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-9, 17-18, and 21-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooper et al. (U.S. Patent No. 5,442,390).

Regarding claim 1, Hooper discloses "a method for providing configurable access to media in a media-on-demand system comprising the steps of: delivering the media to a first client device through a first communications link; recording a bookmark specifying a position in the media; and delivering the media to a second client device through a second communications link, said delivery to said second client device beginning at said position specified by said recorded bookmark", i.e., as illustrated in Figure 1, via a communication network 30, users at different locations CPE 10 can access to video-on-demand server system 20 at their convenience locations by using a remote controller 13 or a telephone (a closer look at Figure 12, and col. 1/lines 21-29), wherein the viewing device 12 can be a monitor, a television or a computer work station (col. 3/lines 31-58), and the viewer can pause a requested program or service, and then resuming at any location by accessing to the system with their ID for identifying (Fig. 4, step 420

and col. 8/lines 4-12) and the system has a cache index regarding as a bookmark with cache memory for recording the viewer's location of previously viewed programs, and resuming to the point where the user hasn't finished viewing the program, see col. 15/line 48 to col. 16/line 6).

As for claim 2, in view of claim 1 above, Hooper further discloses "further comprising the steps of identifying device properties for each of said first and second client devices; and, delivering the media to said first and second client devices through said respectively established first and second communications links, the media delivered in a format compatible with said identified device properties", i.e., a configuration process including customer's information and the configuration of their device is performed for identifying a particular viewer and their associated device at their location CPE 10 on how to communicate to them (Fig. 4/step 420, and col. 8/lines 4-22).

As for claim 3, in view of claim 2 above, Hooper further discloses "wherein the media is stored in a media-on-demand server (MODS) and delivered to said first and said second client devices via said first and said second communications link respectively", i.e., media is stored on media-on-demand server or VOS system 20 and delivered to the CPE 10 at different locations via corresponding links (Fig. 1 with arrows for links, i.e., twisted pair of wires, coaxial cables, fiber optic cables, micro-wave or satellite links, col. 3/lines 1-25)

As for claim 4, in view of claim 3 above, Hooper further discloses "wherein said step of delivering the media to said first client device via said first communications link, comprises receiving the media from said MODS in an intermediate server; in said intermediate server, converting the media to a format compatible with said identified device properties of said first client device; and delivering said converted media to said first client device via said first

communications link”, i.e., the media is delivered via a first communications link to a first client device via an intermediate server as an interface box converter 11, this server converts the receiving media to a compatible format to the client device, for instance, HDTV to a television (Fig. 12, and col. 14/lines 4-54).

As for claim 5, in view of claim 3 above, Hooper discloses “wherein said step of delivering the media to a second client device via said second communications link, comprises: receiving the media in an intermediate server from said MODS; in said intermediate server, converting the media to a format compatible with said identified device properties of said second client device; and delivering said converted media to said second client device via said second communications link”, i.e., the media is delivered via a second communications link to a second client device via an intermediate server as an interface box converter 11, this server converts the receiving media to a compatible format to the client device, for instance, signals to a monitor of a personal computer PC (Fig. 12, and col. 14/lines 4-54).

As for claim 6, in view of claim 3 above, Hooper discloses further “comprising: storing the media in selected ones of a plurality of media-on-demand servers, each MODS in said plurality of media-on-demand servers storing the media in at least one format compatible with a selected device type; selecting a MODS for delivering the media to said first client device, said selected MODS having stored thereon the media in a format compatible with said first client device; and delivering from said selected MODS the media in a format compatible with said first client device”, i.e., a library server 23 with a juke box 41 serves as a stored media for clients in selecting programs and each server stores media with compatible formats to the client device with different ports to different networks (Fig. 2, and col. 4/lines 18-53).

As for claim 7, in view of claim 6 above, Hooper further discloses “wherein said selecting step further comprises: determining if a MODS is available for delivering the media to said first client device in a format compatible with said first client device; if it is determined that a MODS is not available for delivering the media to said first client device in a format compatible with said first client device, selecting a MODS for delivering the media to said first client device, said selected MODS containing the media in a standard format, and converting the media in said standard format to a format compatible with said first client device”, i.e., a configuration process is performed for providing appropriate type of broadcasting program if available, if not, an alternative choice such as creating a broadcast stream (col. 7/lines 25-37), as a standard format, to the client device (col. 8/lines 13-53), and then the broadcast stream is being converted at the interface converter as in claim 5 above.

As for claims 8 and 9, in view of claim 3 above, Hooper further discloses “further comprising: storing the media in selected ones of a plurality of media-on-demand servers, each MODS in said plurality of media-on-demand servers storing the media in at least one format compatible with a selected device type; selecting a MODS for delivering the media to said second client device, said selected MODS having stored thereon the media in a format compatible with said second client device; and delivering from said selected MODS the media in a format compatible with said second client device” and “wherein said selecting step further comprises: determining if a MODS is available for delivering the media to said second client device in a format compatible with said second client device; if it is determined that a MODS is not available for delivering the media to said second client device in a format compatible with said second client device, selecting a MODS for delivering the media to said second client

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device, said selected MODS containing the media in a standard format, and converting the media in said standard format to a format compatible with said second client device”, i.e., a configuration process is performed for providing appropriate type of broadcasting program if available, if not, an alternative choice such as creating a broadcast stream (col. 7/lines 25-37), as a standard format, to the client device (col. 8/lines 13-53), and then the broadcast stream is being converted at the interface converter as in claims 4-5 above, whether a second device is a HDTV television or a PC.

Regarding claim 17, Hooper discloses “a method for providing configurable access to media in a media-on-demand system comprising: delivering the media to a first client device in a format compatible with said first client device; interrupting said delivery of said media; recording a bookmark specifying a position in the media when said interruption occurred; and resuming delivery of the media to a second client device, said resumed delivery beginning at a position in the media specified by said recorded bookmark”, i.e., as illustrated in Figure 1, via a communication network 30, users at different locations CPE 10 can access to video-on-demand server system 20 at their convenience locations by using a remote controller or a telephone 13 (a closer look at Figure 12, and col. 1/lines 21-29), wherein the viewing device 12 can be a monitor, a television or a computer work station (col. 3/lines 31-58), and the viewer can pause a requested program or service, and then resuming at any location by accessing to the system with their ID for identifying (Fig. 4, step 420 and col. 8/lines 4-12) and the system has a cache index regarding as a bookmark with cache memory for recording the viewer’s location of previously viewed programs, and resuming to the point where the user hasn’t finished viewing the program, see col. 15/line 48 to col. 16/line 6).

As for claim 18, in further view of claim 17, Hooper further discloses “comprising the steps of: identifying a device type for each of said first and second client devices; delivering the media to said first client device in a format compatible with said identified device type for said first client device; and, delivering the media to said second client device in a format compatible with said identified device type for said second client device”, i.e., a configuration process including customer’s information and the configuration of their device is performed for identifying a particular viewer and their associated device at their location CPE 10 on how to communicate to them (Fig. 4/step 420, and col. 8/lines 4-22), and the media is delivered via a first communications link to a first client device and via a second communications link to a second client device via an intermediate server as an interface box converter 11, this server converts the receiving media to a compatible format to the client device respectively, for instance, HDTV to a television or to a monitor to a personal computer PC (Fig. 12, and col. 14/lines 4-54).

As for claim 21, Hooper discloses “a method for providing configurable access to media in a media-on-demand system comprising the steps of: delivering the media to a first client device session through a first communications link; recording a bookmark specifying a position in the media; and delivering the media to a second client device session through a second communications link, said delivery to said second client device session beginning at said position specified by said recorded bookmark”, i.e., as illustrated in Figure 1, via a communication network 30, users at different locations CPE 10 can access to video-on-demand server system 20 at their convenience locations by using a remote controller or a telephone 13 (a closer look at Figure 12, and col. 1/lines 21-29), wherein the viewing device 12 can be a monitor, a television



or a computer work station (col. 3/lines 31-58), and the viewer can pause a requested session program or service, and then resuming at any location by accessing to the system with their ID for identifying (Fig. 4, step 420 and col. 8/lines 4-12) and the system has a cache index regarding as a bookmark with cache memory for recording the viewer's location of previously viewed programs, and resuming to the point where the user hasn't finished viewing the program, see col. 15/line 48 to col. 16/line 6).

As for claim 22, in further view of claim 21, Hooper discloses "wherein said first and second client device sessions reside in a single client device", i.e., the CPE 10 is considered as a single client device since a HDTV or a monitor of a PC can be within a CPE 10, or to another CPE device as mentioned earlier (col. 15/line 48 to col. 16/line 16).

As for claims 23-27, these claims with same limitations addressed earlier are rejected for the reasons given in the scope of claims 3-9 as disclosed in details above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vaitzblit et al. (US Patent 5,528,513) & Dan et al. (US Patent 5,453,779) disclose systems for scheduling and admission control policy for continuous media server.

Henley et al (US Patent 5,761,417) & Belknap et al. (US Patent 5,586,264) disclose video streamer with cache management.

Sampat et al. (US Patent 5,557,724) disclose user interface, method, and apparatus selecting and playing channels with pause/resuming functions.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

**(703) 872-9306, (for Technology Center 2600 only)**


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive., Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
January 21, 2004

  
**MICHAEL H. LEE**  
**PRIMARY EXAMINER**